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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/627,621	07/28/2003	Karen Rasmussen	GRE 110	4328
7590	10/05/2004		EXAMINER	
RABIN & BERDO, P.C.			ELKINS, GARY E	
Suite 500 1101 14th Street Washington, DC 20005			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

MH

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/627,621	RASMUSSEN ET AL
	Examiner	Art Unit
	Gary E. Elkins	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is objected to as being replete with terms and phrases which are not clear, concise and exact. The specification is also replete with grammatical errors. Examples of unclear terms and phrases include: "fluting", "pivotally connecting the packing box" (to what?), "consolidation", "line wall" (liner wall?), "responsive position" (corresponding position?), etc. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 1 and 2, "cover member pivotally connecting a box member of the packing box" is unclear, i.e. pivotally connecting a box member to what?

In claim 1, lines 2 and 3, "being internally set a line wall" is unclear with respect to what is meant by "internally set". Also, the term "line" is unclear. Does this mean ---liner---?

In claim 1, line 3, "which" is unclear with respect to the previous element(s) referred to.

In claim 1, lines 5 and 6 are grammatically unclear.

In claim 1, line 7, it is unclear what is "with a fluting". Also, the term "fluting" is unclear in meaning.

In claim 1, line 8, "consolidating" is unclear within the context of the claim, i.e. "consolidating" what?

In claim 2, "can further be" is narrative in form and unclear with respect to whether the phrase is limiting or not.

In claim 2, "with an oblique to which run from opposite directions pattern" has no meaning.

In claim 4, "at least one suitable...mounting a magnet" is grammatically unclear.

In claim 4, line 2, "responsive" is unclear within the context of the claim. Does this mean ---corresponding---?

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3, as best understood in view of paragraphs 1 and 2 above, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner in view of either Beatty or Schleicher, and either Gair or Inglis. Tanner discloses all structure of the claimed box except a frame board and a belt. Each of Beatty and Schleicher teaches that it is known to attach a frame board to a container to facilitate mounting of a decorative display on the container. Each of Gair and Inglis teaches that it is known to secure the closure on a box with a belt or ribbon. It would have been obvious to attach a frame board on the container of Tanner as taught by either Beatty or Schleicher to allow one to mount a display to a box and thereby make the box more aesthetically

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pleasing. It would have been obvious to secure the closure of the container in Tanner using a belt or ribbon as taught by either Gair or Inglis to make the container more aesthetically pleasing and to maintain the lid closed. Both frame boards to mount pictures and belts/ribbons are well known in this art.

5. Claim 2, as best understood in view of paragraphs 1 and 2 above, is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Makowsky. Modified Tanner does not evidence a two piece cover with an oblique mating edge on each cover piece. Makowsky teaches that it is known to make a recessed cover on a box from two opposing pieces with oblique mating edges. It would have been obvious to make the cover in Tanner as taught by Makowsky to provide a more ornamental shape to the cover.

6. Claim 4, as best understood in view of paragraphs 1 and 2 above, is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of any one of Peckar, Solomon or Metzler et al. Modified Tanner does not evidence magnet fastening elements on the liner and cover member. Each of Peckar, Solomon and Metzler et al teaches that it is known to make a cover member and a corresponding or mating surface of the lower part of a box with magnetic fastening elements to releasably secure the cover in the closed position. It would have been obvious to secure the cover member to the lower part of the box in Tanner using magnetic fastening elements secured to the cover and the corresponding or mating part of the box as taught by any one of Peckar, Solomon or Metzler et al since magnets allow the closure to be easily opened and closed. Magnetic closure fasteners are well known in this art.

*Conclusion*

The remaining cited prior art is illustrative of the general state of the art.

In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

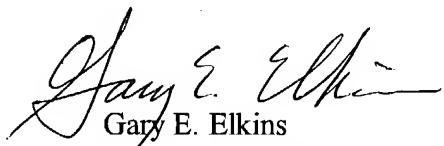
If in receiving this Office Action, it is apparent that certain documents are missing, e.g. copies of references cited, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703)306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703)308-1078.

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (703)308-1034. The Examiner can normally be reached Monday through Thursday.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Lee Young can be reached at (703)308-2572.



Gary E. Elkins  
Primary Examiner  
Art Unit 3727

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30 September 2004